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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: LOY=4

In re Application of:)	Art Unit: 2171
)	
Irit LOY et al)	Examiner: LEROUX, E. T.
)	
Appln. No.: 09/887,549)	Washington, D.C.
)	
Filed: June 25, 2001)	Confirmation No. 5844
)	
For: DATA MANAGEMENT)	September 11, 2003
APPLICATION PROGRAMMING...)	

RESPONSE TO ELECTION AND RESTRICTION REQUIREMENT
RECEIVED

Mail Stop
Honorable Commissioner for Patents
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

SEP 22 2003

Technology Center 2100

Sir:

The Examiner's action dated August 6, 2003, has been received, and its contents carefully noted. In response to the restriction and election of species requirements presented in the action, applicant hereby selects Group IIb, claims 1-13, for Examination on the merits in this application.

However, the requirement is respectfully traversed for the reason that, contrary to the assertion presented in support of the restriction requirement, the combination as claimed in Group I does require the particulars of the "subcombinations" as claimed in the claims of Groups II.

Before discussing the reason for this, it must be pointed out that the claims of Group IIb are not drawn to a cluster of computing nodes, but rather to a method for managing the data storage.

Appln. No. 09/884,349
Response dated September 12
Reply to Office Action of August 6, 2003

The fact is that any computing apparatus according to application claim 14, when operated as claimed, will necessarily carry out the method defined in claim 1. In addition, when a software product according to claim 27 is operated as claimed, the resulting computer will necessarily operate according to claim 1.

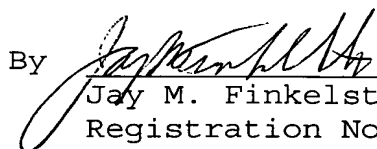
Therefore, it is not correct to state that the computing apparatus of claim 14 does not require the particulars of the method of claims 1-13 or the software product of claims 27-39, or that the "species" of Groups IIa and IIb are patentably distinct from one another.

Accordingly it is requested that the restriction and election requirements be reconsidered and withdrawn and that all of the pending claims be examined in this application.

Respectfully submitted,

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